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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

STEVEN L. SCOTT,

Plaintiff,

v.

STEVE F. SISOLAK, *et al.*,

Defendants.

Case No. 2:22-cv-01801-APG-EJY

**STIPULATION AND ORDER
TO STAY DISCOVERY**

Plaintiff, Steven Scott, by and through his attorney, Travis N. Barrick, of GALLIAN WELKER & ASSOCIATES, L.C., and Defendants, Terence Agustin, Sonya Carrillo, Barbara Cegavske, Charles Daniels, Aaron Ford, Benedicto Gutierrez, Michael Minev, Rochelle Ross, and Steve Sisolak, by and through counsel, Aaron D. Ford, Nevada Attorney General, Chris Davis, Senior Deputy Attorney General, and Samuel L. Pezone, Jr., Deputy Attorney General, hereby stipulate and agree to stay discovery until this Court resolves the issue of qualified immunity in Defendants' motion for judgment on the pleadings. If the motion for judgment on the pleadings is denied, the parties further stipulate and agree to reset all of the deadlines in this Court's scheduling order from the date the order on the motion to dismiss is entered.

The parties hereby further stipulate and agree that a stay is appropriate in light of Defendants' motion for judgment on the pleadings, in which Defendants' assert qualified

immunity. *See Crawford-El v. Britton*, 523 U.S. 574, 598 (1998) (holding that “the district court should resolve that threshold question [of qualified immunity] before permitting discovery”); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) (holding that when a plaintiff’s allegations fail to “state a claim of violation of clearly established law, a defendant pleading qualified immunity is entitled to dismissal before the commencement of discovery”); *Behrens v. Pelletier*, 516 U.S. 299, 306-07 (1996) (holding that qualified immunity “is meant to give government officials a right, not merely to avoid standing trial, but also to avoid the burdens of such pretrial matters as discovery.”) The above stipulations are made in good faith and not for the purposes of delay.

Accordingly, the parties stipulate and agree as follows:

1. That discovery shall be stayed until this Court resolves the issue of qualified immunity in Defendants’ motion for judgment on the pleadings.
2. If the motion for judgment on the pleadings is denied, then all of the deadlines in this Court’s scheduling order shall be reset.

DATED this 1st day of September 2023.

DATED this 1st day of September 2023.

AARON D. FORD
Attorney General

By: /s/ Travis N. Barrick
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Deputy Attorney General
Attorneys for Defendants

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: September 2, 2023